



Department of Justice

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**TWO LABOR COMPANIES, THREE INDIVIDUALS PLEAD GUILTY TO
CONSPIRACY TO PROVIDE ILLEGAL WORKERS TO NATIONAL AIR CARGO
FIRM**

Plea agreement includes \$12 million forfeiture

CINCINNATI – Two temporary labor companies, the president of these companies and two of their corporate officers pled guilty in United States District Court here today to conspiring to provide hundreds of illegal aliens to work for a national air cargo firm in Wilmington, Ohio.

Entering pleas were:

- **Garcia Labor Company, Inc.**, a temporary labor service company incorporated in Morristown, Tennessee;
- **Garcia Labor Company of Ohio, Inc.**, a temporary labor service company based in Wilmington, Ohio;
- **Maximino Garcia**, president and co-owner of the two companies;
- **Dominga McCarroll**, sister of Garcia and former vice president of the two companies;
- **Gina Luciano**, director of Human Relations for Garcia Labor Company in Tennessee.

All pled guilty to one count of conspiracy to encourage and induce and aid and abet illegal aliens to reside or remain in the United States for the purpose of commercial advantage or private financial gain.

Gregory G. Lockhart, United States Attorney for the Southern District of Ohio, Julie L. Myers, Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE), and William Cotter, Special Agent in Charge, U.S. Social Security Administration Office of Inspector General, Chicago Region, and Gordon S. Heddell, Inspector General, United States Department of Labor, announced the pleas entered today before Senior United States District Judge S. Arthur Spiegel.

The maximum penalty for the crime for the individuals is ten years imprisonment and a fine of \$250,000. The companies face a maximum punishment of five years probation, and fines of \$500,000 or twice the gain they received from the crime. Judge Spiegel will determine the actual sentence. There is no agreement as to what the sentence will be.

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Maximino Garcia's plea agreement also calls for him to forfeit \$12,000,000 representing the proceeds of the crime and the property used to commit the crime.

Since about 1993, Maximino Garcia has owned Garcia Labor Company, Inc., a labor leasing firm located in Morristown, Tennessee. Beginning in December 1999, Garcia Labor Company, Inc. contracted with ABX Air, Inc., a cargo transportation company which operates an airline providing package sorting, handling, and line-haul services in Wilmington, Ohio. Garcia Labor Company, Inc., and later, Garcia Labor Company of Ohio, Inc. contracted to provide temporary workers to ABX Air, Inc. to sort freight in ABX Air, Inc.'s sort and ground transportation operations at the Wilmington Air Park from 1999 until January 2005.

The workforce of temporary laborers assigned to sort freight at ABX Air, Inc. was almost entirely made up of Hispanic workers of Mexican origin who, for the most part, did not read, write, or speak English. Until at least mid-2003, applicants filled out employment eligibility forms, known as I-9 forms, which were pre-printed to list two specific forms of identification: a Resident Alien card and a Social Security card.

"From December 1999 until January 2005, Garcia Labor through their representatives, recklessly disregarded the fact that virtually all of their employees were not authorized to work in the United States," Lockhart said. "Garcia Labor agreed to hire workers in reckless disregard of the fact that the applicants presented fraudulent Resident Alien and Social Security cards."

"Companies that use cheap, illegal alien labor as a business model should be on notice. ICE is dramatically enhancing its enforcement efforts against illegal employment schemes," said Julie Myers, Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE). "Garcia Labor learned its lesson the hard way. We believe today's guilty pleas, which subject three defendants to potential 10-year jail terms and, in one case, calls for a \$12 million forfeiture, will serve as a deterrent to other violators."

Gordon S. Heddell, Inspector General, United States Department of Labor, stated: "Companies and individuals that circumvent the foreign labor certification process to commit immigration fraud through the hiring of undocumented workers must be held accountable for their actions. My office will continue to work closely with the Office of Inspector General, Social Security Administration, the U.S. Immigration and Customs Enforcement, and the U.S. Attorneys' Offices on such cases to help ensure the integrity of our nation's immigration laws."

The companies and the individuals pleading guilty had an understanding that as long as the applicants presented what they considered to be passable identification cards, they would be

hired, despite facts which would lead a reasonable person to conclude that such workers were not legally present in the United States or authorized to work here.

The Social Security Administration issued a number of notices in 2002, 2003, and 2004 in which hundreds of Hispanic workers employed by Garcia Labor were listed as using invalid Social Security account numbers. Despite such notices, Garcia Labor continued to employ these workers and took no substantive action to determine whether they were authorized to work in the United States.

Beginning in February 2004, ABX Air, Inc. began requiring Garcia Labor Company of Ohio, Inc. to provide five years of employment background information on each of its workers assigned to sort freight at ABX Air, Inc. Garcia Labor Company of Ohio, Inc.'s office manager assisted the Hispanic workers in supplying the requested information on its application forms to ABX Air, Inc., and representatives of Garcia Labor Company of Ohio, Inc. recklessly disregarded that such information was false or incorrect. On many of these applications, in response to the question (in Spanish) "Are you eligible to work in the United States?", the Garcia worker answered "No", or crossed out "No" and wrote "Si", or provided no answer at all.

In addition, Garcia Labor took steps to provide transportation and housing, and to assist with check cashing for the Hispanic workers, the majority of whom had no drivers' licenses and lacked valid identification to cash their paychecks.

In January 2005, the Transportation Security Administration, which has jurisdiction over the administration and operation of airports in the United States, conducted a regulatory compliance inspection of ABX Air, Inc. and the Wilmington Air Park. As a result of that inspection, ABX Air, Inc.'s contract with Defendant Garcia Labor Company of Ohio, Inc. was terminated after it was determined that virtually every one of its 400 workers were using an invalid or fraudulent Social Security account number.

Lockhart commended the cooperative investigation by agents of ICE, Social Security and the Department of Labor Inspector General, along with the Clinton County Sheriff's Office, as well as Assistant U.S. Attorney Anne Porter, who prosecuted the case.

Judge Spiegel will set a date for sentencing.

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